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Dr. Babasaheb Ambedkar and Human Rights

Jagdish Khobragade

P. P. Singh

Introduction

Human rights are above all the rights and these are inalienable rights of every human being. The codification of these rights has been started after the UN Charter in 1945. The Universal Declaration of Human Rights, 1948 is the first codified document. The role of Dr. B.R. Ambedkar in the protection of human rights is neglected or not much explored area of study. He was considered as Dalit icon by narrowing his ideology but infact his human rights perspective was for all and it requires indepth study. He was a strong advocate of human rights for all and the emancipation of Dalits is one of his objectives. The humanrights and his thoughts on pertinent issues are debatable in global academics. His human rights perspectives can be found in many incidences. Therefore, this paper is to study the perspective of Dr.B.R. Ambedkar on human rights. The research methodology used for this study is purely doctrinal based on primary and secondary sources. Dr.B.R.Ambedkar was a crusader of human rights and it is proved from his work on human rights including the drafting of the Indian Constitution which is the first codified document of human rights in India in which rights of every human being is protected.

The Concept Of Human Rights

Human rights defined as those fundamental rights which are inalienable and essential for every human being. Human Rights are for all irrespective of nationality, race, religion, gender, color, caste and class, etc. The nature of human rights is that it is inherent in every human being and which cannot be separated. It is also true that no one can survive without these rights. Article 1 of the Universal Declaration of Human Rights, 1948, provides that "*all human beings are born free and each one of them deserves equality in terms of dignity and rights.*" In addition to this, in India according to the section 2(d) of the Protection of Human Rights Act, 1993, human rights are the right relating to life, liberty, equality, and dignity of an individual

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recognized by the constitution and international covenants and enforceable by Courts in India.¹ The concept of human rights and the role of Dr .B.R. Ambedkar in the protection of human rights are closely related. Dr.B.R. Ambedkar was born on 14th April 1891 and died on 6th December 1956. His work for human rights and the emancipation of underprivileged is remarkable in human history. He was born in the underprivileged community but his work suggests that he has worked for humanity in general and that has to be appreciated by all. He is a national figure and symbol of knowledge across the world.² He was a defender of human rights. He was a great philosopher, sociologist, economist, legal luminary, social reformer, politician, and renowned intellectual across the world. He was also a great champion of human rights. However, limiting him as a leader of underprivileged by narrowing his ideology for the liberation of human rights is unjustified. Therefore, in this paper, many incidences are explained how he had incorporated human rights principles in the Constitution of India for the protection of human rights for all and apart from the Constitution other works also suggest his greatness in the protection of human rights.

To understand Dr.B.R.Ambedkar work on human rights, it is a must to understand the concept of human rights in India. India has a very ancient culture and it has a long 3000-year-old history of discrimination against women, lower castes, weaker sections and class struggle, etc. It has many social problems like gender inequality, caste, and class-based discrimination. The development of human rights from 1948 to till date has a place for equality, liberty, fraternity, justice social-economic, and political and it has been found in the Constitution of India. Therefore, it is important to know the role of Dr.B.R. Ambedkar in the protection of human rights in India.³ The study of human rights is very important because they are considered essential for human existence. After the failure of the League of Nations, the international community became aware of the protection of human rights in the post-World War II period. The UN Charter and the formation of the United Nations on June 26, 1945, was the first step in the protection of human rights. Shortly afterward, on December 10, 1948, the Universal Declaration of Human Rights (UDHR) came into existence which provides a concrete form for human rights. According to Article 1 of the UDHR, all human beings are born independent and have the same dignity and the same rights. They are endowed with the power of thought and conscience and should treat one another with a spirit of brotherhood. Member-States of United Nations were urged to effectively recognize and adhere to the rights and freedoms enshrined in the UN Declaration of Human Rights. All member countries observe December 10 as Human Rights Day.

Human rights are very difficult to define because it is a very broad concept. Everyone should have some right not only to survive in society but also to make life better. In this sense, human rights are the natural rights of all people. Human rights do not discriminate against people of any nationality, place of residence, gender, national or ethnic origin, color, religion, language, or any other status. As mentioned above that human rights in India are defined in Section 2 (d) of the Protection of Human Rights Act, 1993.

The main features of human rights can be analyzed as follows: Firstly, Human rights are acquired by every person by birth. Therefore, human rights are applicable everywhere without any discrimination based on caste, class, color, sex, religion, etc. Secondly, Human rights are all-encompassing; this includes all kinds of rights. So there are social, economic, civil, political, cultural rights that are considered necessary for human beings to live with dignity. Thirdly, they can be protected by State law, and even if they are not protected, no one has the right to violate human rights. Fourthly, like all rights, some human rights are not absolute. It can be restricted for public peace, social decency, and political security, and so on. Fifthly, man cannot live without enjoying human rights. All of them have these rights as members of human society. Some people are ignorant of these rights so they should be taught about these rights. Further, the generation of human rights has been explained by Czech Jurist Karel Vasak in 1979. He has given three generations of human rights first is civil and political rights, second economic, cultural, and social rights, third generation is collective rights/group rights. But now there is emerging the fourth generation of human rights i.e. right to digital existence, right to digital reputation, and identity.⁴ This is how the human rights has been evolved. The contribution of the International Covenant on Civil and Political Rights, 1966, and The International Covenant on Economic, Social, and Cultural Rights 1966 is another major contribution to the field of human rights.

Dr. B.R. Ambedkar and His Perspective of Human Rights

Dr. Ambedkar is the world's greatest defender and philosopher of human rights. He was a true visionary and no one can ignore his contribution towards protection of human rights. He is still an inspiration for defenders of human rights. Some people may see him as a defender of Dalit rights but why not they see him the defender of human rights more broadly. His lifelong efforts to eradicate caste discrimination are considered to be his greatest achievement. He was a strong follower of the right to equality, liberty, fraternity, and justice. The emancipation of weaker sections is one of the objectives because discrimination prevailing in Indian society.⁵ He said that political democracy cannot be achieved unless we have social democracy. He was strong critic of the caste system and therefore he wants to promote social and educational rights for weaker sections. He was against all kinds of discrimination and exploitation against women, Dalits, social, and economically weaker sections of society. He has worked for every sector of human rights like education for all, cultural development, language. Political rights. His work on Liberty, equality, and fraternity is remarkable. The Liberty, equality, and fraternity are broad concepts and it is difficult to define them in one definition but his works on Article 14 and Article 21 of the Constitution of India are the best example of right to equality and right to life. In India women, lower castes, and backward classes were treated as inhuman and they don't have any rights except slaves of upper castes and their dependence on them is miserable, and therefore Articles 15, 16, 17 have been incorporated in the Constitution of India to give them social, economic and political

justice. In 1946 and 1947 Ambedkar approached the UN and Winston Churchill for the cause of Dalits before the independence of India.⁶ Ambedkar always has an eye on international affairs. Ambedkar started writing representations to the UN for the rights of Dalits in India.⁷ The practice of untouchability was made punishable by-law under Article 17 of the Constitution of India and the first legislation for this was the Untouchability Offences Act, 1955, which was amended in 1971 and renamed as the Protection of Civil Rights Act, 1955. However, the effectiveness of the Civil Rights Act was minimal due to fewer punishments. It is for protection of civil rights of Indians and any kind of untouchability and the social boycott was made punishable. Due to the ineffectiveness of the Civil Act and increasing offences against lower castes the Government of India introduced the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The concept of a right to vote and adult franchise for all is another civil and political right for Indians. The right to participate in elections irrespective of caste, color, gender, is also a part of human rights. The guiding principles of the State contained in the fourth part of the Constitution of India are the economic, social, and cultural rights and duties of the State that symbolize ideals, sentiments, aspirations, and the objectives of our entire freedom movement. In this way, Dr. B.R. Ambedkar has protected human rights in all his endeavors.

He was the first Law Minister of India from 15 August 1947 to September 1951, during his tenure the Indian Parliament passed more than 80 legislations, and therefore he was, directly and indirectly, involved in the passing of many legislations. The RBI was established in 1935 based on his book "Problem of Rupee" and the making of the Banking Regulation Act, 1949. Section 50 of the State Insurance Act, 1948, first introduced the concept of maternity benefits for women. The Factories Act, 1947 was introduced to reduce working hours and their just and humane working condition of workers in factories. Also, the Hindu Code Bill gave women the right to property and inheritance which later transform into law i.e. the Hindu Succession and Maintenance Act, 1956. The Hindu Code Bill was opposed by the orthodox Hindus. Therefore, he has to resign from the law ministry for the rights of women and particularly due to Hindu Code Bill, where congress did not support him and even then Prime Minister Mr. Jawahar Lal Nehru was salient on this issue.⁸

Apart from this, the biggest achievement is that the Constitution of Independent India came into existence on 26 November 1949 and adopted on January 26, 1950, and he was considered as the chief architect of the Constitution of India. His contribution for the making of it was extraordinary. It is evident from the effect of the Universal Declaration of Human Rights on the draft of the third part of the Constitution. The fundamental rights enshrined in Part III of the Constitution are derived from the principle of natural rights and many other rights. Fundamental rights are traditionally known as natural rights. Natural rights transformed into fundamental rights act as a constitutional limitation or as a restriction on the four powers of the organs established by the Constitution or State action. Apart from this directive principles of state policies and his statement for Article 32 of the Constitution of India that "it is a heart of the Constitution and without which the

Constitution is of no use", where anyone can directly approach to the Supreme Court for violation of their fundamental rights. Therefore, one can argue that the role of Dr. Babasaheb Ambedkar was not limited to a particular community and caste but it was for all and in the interest of justice. His concern for marginalized and deprived communities cannot be limited by restricting his ideology which was beyond the imagination of layman.

Conclusion

The concept of human rights and Dr. B.R. Ambedkar's perspective of human rights are very closely related. His work for women, underprivileged and weaker sections of society, and for those who are subjected to cruelty and exploitation is itself evident that he was a strong defender of human rights. Therefore, narrowing him to a particular community is an injustice to the work done by him for humanity. No doubt he was a great philosopher, economist, politician, and lawyer but his work for human rights and its implementation in India is exceptionally great. The generation of human rights and the struggle for the incorporation of various human rights perspective by Dr. B.R. Ambedkar can be seen in his writings and speeches. Human rights are essential for every human being and without which humans cannot survive therefore it is a part and parcel of the Constitution of India. All the above instances are briefly discussed to show the contribution of Dr. B.R. Ambedkar in the field of human rights in India.

Department of Law,

Dr. Harisingh Gour Vishwavidhyalaya, Sagar, (M.P.)-470003

Department of Law,

Dr. Harisingh Gour Vishwavidhyalaya, Sagar, (M.P.)-470003

References

1. Sec.2(d) of The Protection of Human Rights Act, 1993
2. Secretary, Principal, and Maharashtra Legislature Secretariat. 2016. "A Brief Lecture on 'HUMAN RIGHTS IN CONSTITUTION OF INDIA,'" pp.1-10.
3. Touch, G E T I N, and About Us. 2020. "Dr Ambedkar/ : A Visionary for Human Rights," 1-11.
4. Cornescu, Adrian Vasile. 2009. "The Generations of Human's Rights." *Days of Law: The Conference Proceedings*, 11.
5. Shreekrishna, and Ravindra D. Gadkar. 2018. "Dr B.R. Ambedkar's Perception of Human Rights: Methods and Approaches." *IOSR Journal Of Humanities And Social Science* 23 (10): 4-9. <https://doi.org/10.9790/0837-2310090409>.
6. Chairez-Garza, Jesus F. 2019. "B.R. Ambedkar, Partition and the Internationalisation of Untouchability, 1939-47." *South Asia: Journal of South Asia Studies* 42 (1): 80-96. <https://doi.org/10.1080/00856401.2019.1554618>.
7. Mutua, Makau. 2014. "Chapter 3. Human Rights and the African Fingerprint." *Human Rights*, 46-85. <https://doi.org/10.9783/9780812204155.71>.
8. Cháirez-Garza, Jesús Francisco. 2018. " 'Bound Hand and Foot and Handed over to the caste Hindus': Ambedkar, Untouchability and the Politics of Partition." *Indian Economic and Social History Review* 55 (1): 1-28. <https://doi.org/10.1177/0019464617745925>.